

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

QUINTON BURNETT

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:08CV258-P-S

**CITY OF SOUTHAVEN, MAYOR
GREG DAVIS, IN HIS OFFICIAL
CAPACITY AS MAYOR OF SOUTHAVEN,
MISSISSIPPI; SOUTHAVEN POLICE
DEPARTMENT AND THOMAS LONG
IN HIS OFFICIAL CAPACITY AS CHIEF
OF POLICE, WILLIAM CUNNINGHAM,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS A SOUTHAVEN POLICE OFFICER**

DEFENDANTS

ORDER

This cause is before the Court on the defendants' Motion to Dismiss [4]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is not well-taken and should be denied. The defect of which defendants complain was an obvious typographical/scriver error which has been corrected with plaintiff's filing of his Amended Complaint on March 4, 2009. Burnett's § 1983 claim is clearly sufficient to invoke federal question.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendants' Motion to Dismiss [4] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 24th day of March, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE